

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

TEGRANT ALLOYD BRANDS, INC.,

Plaintiff,

v.

THE MERCHANT OF TENNIS, INC.
d/b/a U.S. MERCHANTS,

Defendant.

No. 08 C 50041

Judge Kapala
Magistrate Judge Mahoney

PARTIES' PROPOSED CASE MANAGEMENT ORDER

I. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held in Case No. 08 C 50041 on _____ and was attended by:

_____ John J. O'Malley _____ for Plaintiff _____ Tegrant Alloyd Brands, Inc. _____.

_____ Alison C. Conlon _____ for Defendant _____ The Merchant of Tennis, Inc. _____.

II. The Fed. R. Civ. P. 26(a)(1) material will be exchanged by _____ July 1, 2008 _____.

III. Alternative Dispute Resolution Mediation. Counsels hereby certify that their clients have read the Pamphlet governing the court's mediation program, that counsels have discussed with their respective clients the available dispute resolution options provided by the court and private entities, and that counsels have given an estimation of the fees and costs that would be associated with the litigation of this matter, through trial, to their clients. Further, counsels have provided to their clients an estimate of the fees and expenses reasonably expected to be incurred through an early successful mediation. Counsels certify that they have discussed the available ADR options with their clients and have considered how this case might benefit from those options. Lastly, if this is a fee shifting case, defense counsels certify they have discussed the advantages and disadvantages of making a Rule 68 offer to judgment.

☐ Parties have agreed on early mediation _____ has been chosen as the mediator. The mediation shall be held within 60 days of this order. Discovery (shall)(shall not) be stayed during the 60 days of referral. Pursuant to ADR local rules, this case is hereby referred to mediation. Counsels and parties will submit evaluations to the Court within ten days of the conclusion of mediation.

☐ Parties have agreed on mediation. _____ has been chosen as the mediator. The parties believe the best time to mediate would be _____ and request the

matter be referred to mediation at that time. Counsels and parties will submit mediation evaluations to the Court within ten days of the conclusion of mediation.

- Parties request an immediate settlement conference with the Magistrate Judge.
- ☐ Parties plan to utilize private ADR. (Parties shall explain the private ADR and when it will take place).
- ☐ Parties request this case be excused from ADR.

IV. Discovery Plan. The parties jointly proposed to the court the following discovery plan.

A) Discovery will be needed on the following subjects:

Order, Shipment, Acceptance and Payment of Goods

Compliance with specifications

B) Maximum of 25 interrogatories by each party to any other party.

C) Maximum of 100 requests for admission by each party to any other party.

D) Maximum of 7 depositions by Plaintiff(s) and 7 by Defendant(s) without agreement of the parties or court approval.

E) Each deposition shall be limited to a maximum of 7 hours unless extended by agreement of the parties.

F) Fact discovery cut-off date is set for November 30, 2008.

G) Report from the retained expert for the Defendant under Rule 26(a)(2) due December 31, 2008. Deposition of Defendant's expert shall be taken by January 21, 2009. Report from retained expert for Plaintiff under Rule 26(a)(2) due February 20, 2009. Deposition of Plaintiff's expert shall be taken by March 13, 2009. Supplementations under Rule 26(e) will be scheduled by the court at the request of the parties.

H) All discovery shall be cut off by March 13, 2009.

I) Time for the parties to amend pleadings and add counts or parties is hereby established as November 30, 2008.

J) The parties suggest the next discovery conference by telephone with the court be August 29, 2008.

All dispositive motions will be due 30 days after the fact discovery cut-off date unless otherwise ordered by the court and the parties agree pleadings, motions and briefs may be exchanged

Dated: June 19th, 2008

Respectfully submitted:

TEGRANT ALLOYD BRANDS, INC.

By: s/ John J. O'Malley
One of Its Attorneys

THE MERCHANT OF TENNIS INC.

By: s/ Alison Conlon
One of Its Attorneys